



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 20 2002

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

EPA Region 5 Records Ctr.



368648

Danis Companies
f/k/a Industrial Waste Disposal
Attn: Gregory McCann
2 Riverplace
Dayton, OH 45405

Re: Request for additional Information Pursuant to Section
104(e) of CERCLA for the South Dayton Dump, 1976 Dryden Road
(aka) Springboro Pike, Moraine, Ohio

Dear Gregory McCann:

On, April 26, 2002 the United States Environmental Protection Agency (U.S. EPA) issued a General Notice/Information Request to Danis Companies (enclosed), pursuant to the Federal Superfund law, Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended, 42 U.S.C. §9604[e]. The Information Request was delivered to Danis Companies by certified mail on April 29, 2002. The Information Request required certain documents and information be provided within thirty(30) days of receipt. A response to the Information Request was submitted by Mr. Gregory McCann on May 8, 2002.

To complete our analysis, we need additional information. In particular, the U.S. EPA is requesting any and all customer lists Danis Companies has ever had.

You may consider the information U.S. EPA requested confidential. Under CERCLA, you cannot withhold information or records upon that basis. Please refer to Enclosure 5 of the original letter to assert a business confidentiality claim.

Failure to comply by fully, truthfully and immediately responding to U.S. EPA's Information Request, or to adequately justifying such failure to respond, may subject you to an enforcement action seeking to compel compliance and collect penalties of up to twenty-seven thousand five hundred dollars(\$27,500) per day of

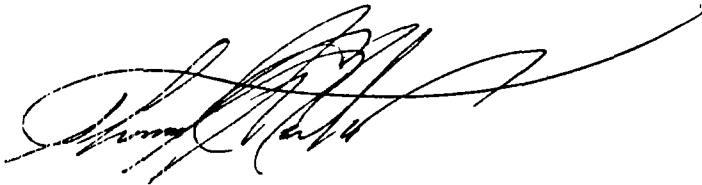
noncompliance pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

Your response to the Information Request should be mailed to:

Deena Sheppard-Johnson
Enforcement Specialist
U.S. Environmental Protection Agency
Remedial Enforcement Support Section
77 West Jackson Boulevard SR-6J
Chicago, IL 60604-3590

Please contact Deena Sheppard-Johnson, Enforcement Specialist, at (312) 386-7048 if you have any questions regarding this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Thomas C. Marks', with a long, sweeping horizontal line extending to the right.

Thomas C. Marks, Chief
Remedial Enforcement Support Section

Enclosure: South Dayton Dump's General Notice/104(e) Letter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 29 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

The Danis Companies
f/k/a Industrial Waste Disposal (IWD)
Attn: Gregory McCann
2 Riverplace
Dayton, OH 45405

RE: The South Dayton Dump, 1976 Dryden Road (aka) Springboro
Pike, Moraine, Ohio
General Notice of Potential Liability and
Request for Information

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced facility (Site), and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), where the Agency uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

To address the dangers and threats to human health and the environment as quickly as possible, U.S. EPA is currently planning to conduct the following actions at the above-referenced Site.

1. A Remedial Investigation to identify the local hydrogeological characteristics and to define the nature and extent of soil, air, ground and surface water contamination at the Site, and

2. A Feasibility Study to develop and evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the Site.

For additional information regarding the policy and guidance associated with conducting RI/FS studies see OSWER Directive (9355.3-01) Guidance for Conducting Remedial Investigations and Feasibility Studies (RI/FS) Under CERCLA, October 1988.

U.S. EPA has received information that you may have owned or operated or generated or transported hazardous substances that were disposed of at the Site. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Enclosure 8 is a list of the names and addresses of any other potentially responsible parties (PRPs) to whom this notification is being sent. This list is provided to assist you in contacting other PRPs in this matter and to negotiate with U.S. EPA.

Enclosed is a U.S. EPA Small Business Regulatory Enforcement Fairness Act Information Sheet (Enclosure 7). The information sheet may be helpful, if you are subject to enforcement action by U.S. EPA and you are a qualified small business.

As a potentially responsible party, you should notify U.S. EPA in writing within ten (10) days of receipt of this letter of your willingness to perform or finance the activities described above. If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the Site and that you have declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action, or involved in a lawsuit regarding this Site, you should continue such activities as you

see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, U.S. EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. §9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who has or may have information relevant to any of the following to furnish U.S. EPA with such information: (1) the identification, nature, or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup. Attachment 1 is a summary of the history of the South Dayton Dump Site.

Pursuant to Section 104(e) of CERCLA, you are hereby requested to submit a response to this Information Request and its questions in Attachment 2 concerning the South Dayton Dump Site at 1976 Dryden Road in Moraine, Ohio. Instructions to guide you in the preparation of your response are in Attachment 3. Definitions of the terms used in this Information Request and in the questions are in Attachment 4.

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and their officers, directors, and employees. The information sought herein must be sent to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by U.S. EPA under Section 104 of CERCLA, as amended.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2. To request that the Agency treat your information as confidential, you must follow the procedures outlined in Attachment 5, including the requirement that you support your claim for confidentiality.

This information request is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. section 3501 et seq.

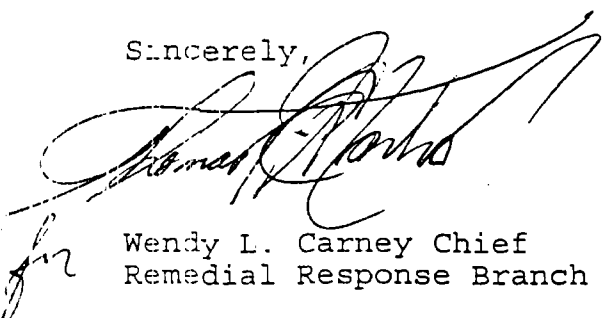
Send your responses to both the notice of potential liability within ten (10) days and the information requests within thirty (30) days, to:

U.S. Environmental Protection Agency
Deena Sheppard-Johnson, SR-6J
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, Illinois 60604

If you have any legal questions, please call Thomas Nash, Assistant Regional Counsel, at (312) 886-0552. If you have technical questions about this Site, call Karen Cibulskis, Remedial Project Manager, at (312) 886-1843. Address all other questions to Deena Sheppard-Johnson, Enforcement Specialist, at (312) 886-7048.

Due to the nature of the problem at this Site and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frames specified. We trust you will give this matter your immediate attention.

Sincerely,



Wendy L. Carney Chief
Remedial Response Branch #1

Enclosures: 1: Site History
 2: Questions
 3: Instructions
 4: Definitions
 5: Confidential Business Information
 6: Legal Authority
 7: Small Business Notice
 8: List of Potentially Responsible Parties (PRPs)

Enclosure 1
SITE HISTORY

The South Dayton Dump site is an inactive landfill located at 1976 Dryden Road (aka Springboro Pike) in Moraine, Ohio, just southwest of Dayton. The landfill covers approximately 30 acres of a 40 acre parcel of land. The land is owned by Margaret Grillot and Katheryn Boesch. The actual limits of the landfill may extend beyond the currently known boundaries. The landfill also operated under the name Moraine Recycling.

The landfill is located 350 feet east of the Great Miami River in a heavily industrial and commercial area. The landfill is separated from the river by a tree-lined manmade levee and a flat open area with a bicycle trail. The open area and the bicycle trail are in the 100-year flood plain and are owned by the Miami Conservancy District. The site also contains a federally designated wetland.

A former auto salvage yard, light industry and an asphalt plant and asphalt storage pile are north of the landfill. East of the landfill are Dryden Road and light industry. South of the landfill is a pallet manufacturing and repair company and a gravel pit filled with water.

The landfill operated between approximately 1941 and 1996 and was managed by Alcine Grillot. Waste haulers who took material to the landfill include Emory Joseph Sepeck (aka Joe Sepeck), Sepeck Industrial Waste Service and Industrial Waste Disposal. Drums, metal turnings, fly ash, foundry sand, demolition material, wooden pallets, asphalt, paint, paint thinner and other industrial wastes were disposed at the landfill. The primary disposal practice was open burning followed by landfilling.

Soil borings drilled in 1996 show that the thickness of the landfill ranges from about 4 to 6 feet below ground surface, with one location having as much as 12 feet of fill. The water table ranges from about 12 to 18 feet below ground surface. Groundwater generally flows west-southwest toward the Great Miami River and may also discharge to the gravel pit south of the site. Soil samples collected in 1996 contained trichloroethene, tetrachloroethene, polynuclear aromatic hydrocarbons, pesticides, polychlorinated biphenyls and inorganic compounds. Groundwater samples contained chloroethane, acetone, 1,1-dichloroethane, 1,2-dichloroethene, toluene, phenol and heptachlor. Sediment samples collected from the water-filled gravel pit and the Great Miami River contained pesticides, polychlorinated biphenyls and mercury.

Because hazardous substances released at the South Dayton Dump site are present in the soil, groundwater and sediment at the site, U.S. EPA is taking response actions under the authority of Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and its amendments.

Enclosure 2

QUESTIONS

1. Identify all persons consulted in the preparation of the answers to these questions.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.

4. List the EPA Identification Numbers of the Respondent.

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom at the South Dayton Dump Site.

6. Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

7. Set forth the dates during which the Respondent engaged in any of the following activities:

a) generation of hazardous materials which were sent to the South Dayton Dump Site;

b) transportation of any material to the South Dayton Dump Site.

8. Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the South Dayton Dump Site. In addition, identify the following:

a) The persons with whom you or such other persons made such arrangements;

b) Every date on which such arrangements took place;

c) For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

d) The owner of the materials or hazardous substances so accepted or transported;

e) The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

f) All tests, analyses, and analytical results concerning the materials;

g) The persons(s) who selected the South Dayton Dump Site as the place to which the materials or hazardous substances were to be transported;

h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

i) Where the person identified in g., above, intended to have such hazardous substances or materials transported and all evidence of this intent;

j) Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

k) What was actually done to the materials or hazardous substances once they were brought to the South Dayton Dump Site;

l) The final disposition of each of the materials or hazardous substances involved in such transactions;

m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the material and hazardous substance involved in each transaction.

n) The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the South Dayton Dump Site, and all markings on such containers;

o) The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance.

p) All documents containing information responsive to a - o above, or in lieu of identification of all relevant documents, provide copies of all such documents.

q) All persons with knowledge, information, documents responsive to a - p above.

9. Identify all liability insurance policies held by Respondent from 1941 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

10. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

11. If Respondent is a Corporation, respond to the following requests:

a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities.

d) Identify the Parent Corporation and all Subsidiaries of the Respondent.

12. If Respondent is a Partnership, respond to the following requests:

a) Provide copies of the Partnership Agreement;

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;

c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities.

d) Identify all subsidiaries of the Respondent.

13. If Respondent is a Trust, respond to the following requests:

a) provide all relevant agreements and documents to support this claim.

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities.

Enclosure 3
INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question, identify all persons and contributing sources of information.
4. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes the U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
5. In answering each question, identify all persons and contributing sources of information.
6. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.
7. For any document submitted in response to a question, indicate the number of the question to which it responds.
8. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
9. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepared the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.

10. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
11. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 5.

Attachment 4
DEFINITIONS

1. As used in this letter, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.
2. The term *person* as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. *The Site* referenced in these documents shall mean the South Dayton Dump Site located in Moraine, Ohio.
4. The term *hazardous substance* shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term, *pollutant* or *contaminant*, shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The term *release* shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
7. The term *identify* means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term *identify* means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term *identify* means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

10. The term you, yours or Respondent shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.
11. The term dump as used herein shall mean an accumulation of refuse and discarded materials and/or a place where such materials are dumped.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R., Part 300 or 40 C.F.R., Part 260-280, in which case, the statutory or regulatory definitions shall apply.

Enclosure 5

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 et seq require that the U.S. EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985).) If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e)(7) (ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as "confidential", you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential", and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information to others;

3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;

4. Whether the U.S. EPA or another federal agency has made a pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;

6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future;

7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as "confidential" your comments will be available to the public without further notice to you.

Enclosure 6

DESCRIPTION OF LEGAL AUTHORITY

The federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq. (commonly referred to as CERCLA or Superfund) gives U.S. EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site, and, 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604 (e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;

B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;

C. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. Section 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. [If the 104(e) recipient is a witness with little likelihood of liability under CERCLA, omit the sentence that follows.] The U.S. EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

Enclosure 7

Supplemental Information for Small Businesses Subject to an U.S. EPA Enforcement Action

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Websites

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

➡ www.epa.gov	<i>EPA's Home Page</i>
➡ www.smallbiz-enviroweb.org	<i>EPA's Small Business Home Page</i>
➡ www.smallbiz-enviroweb.org/state.html	<i>List of State Contacts</i>
➡ www.epa.gov/ttn/sbap	<i>Small Business Assistance Programs</i>
➡ www.epa.gov/oeca/polguid/index.html	<i>Enforcement Policy and Guidance</i>
➡ www.epa.gov/oeca/smbusi.html	<i>Small Business Policy</i>
➡ www.epa.gov/oeca/oc	<i>Compliance Assistance Home Page</i>
➡ www.epa.gov/oeca/ccsmd/commpull.html	<i>Small Businesses and Commercial Services</i>
➡ www.epa.gov/oeca/ccsmd/mun.html	<i>Small Communities Policy</i>

Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

➡ Small Business Ombudsman.....	(800) 368-5888
➡ RCRA/UST/CERCLA Hotline.....	(800) 424-9346
➡ Toxics Substances and Asbestos Information.....	(202) 554-1404
➡ Safe Drinking Water.....	(800) 426-4791
➡ Stratospheric Ozone/CFC Information.....	(800) 296-1996
➡ Clean Air Technical Center.....	(919) 541-0800
➡ Wetlands Hotline.....	(800) 832-7828

Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

- ➡ Metal Finishing (www.nmfrc.org)
- ➡ Printing (1-888-USPNEAC or www.pneac.org)
- ➡ Automotive (1-888-GRN-LINK or www.ccar-greenlink.org)

- ➔ Agriculture (1-888-663-2155 or www.epa.gov/oeca/ag)
- ➔ Printed Wiring Board Manufacturing (www.pwbr.org)
- ➔ The Chemical Industry (Contact: Emily Chow 202-564-7071)
- ➔ The Transportation Industry (<http://www.transource.org>)
- ➔ The Paints and Coatings Center (Contact: Scott Throwe 202-564-7013)
- ➔ Local Governments (Contact: John Dombrowski, 202-564-7036)

**State
Agencies**

Many state agencies have established compliance assistance programs that provide on-site as well as other types of assistance. Please contact your local state environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)-368-5888.

**Compliance
Incentive
Policies**

EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action such as this one that has already been initiated, but are noted for future reference. Contact Karin Leff (202-564-7068) for information on the Small Business Policy and Ken Harmon (202-564-7049) for information on the Small Communities Policy.

In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools. *However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to answer EPA's administrative complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.*

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual receipts) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247). *However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.*

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA or related provisions nor does it create any new rights or defenses under law.

Enclosure 8

SOUTH DAYTON DUMP
POTENTIALLY RESPONSIBLE PART LIST

1. Delphi Automotive Systems
f/k/a Delco-Moraine
Attn: Cassandra Weaver
1450 West Long Lake - 4th Floor
M/C 480-414-420
Troy, OH 48098
2. ITW Hobart Brothers Company
Attn: Tim McKee
101 Trade Square East
Troy, OH 45373

Illinois Tool Works, Inc.
Attn: Ken Brown
3500 West Lake Avenue
Glenview, IL 60025-5811
(re: Hobart Brothers)
3. The Danis Companies
f/k/a Industrial Waste Disposal (IWD)
Attn: Gregory McCann
2 Riverplace
Dayton, OH 45405

Waste Management, Inc.
f/k/a Industrial Waste Disposal (IWD)
1001 Fannin, Suite 4000
Houston, TX 77002